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United States District Court
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE: TFT-LCD (FLAT PANEL) ANTITRUST LITIGATION No. M 07-1827 SI
_____/ MDL No. 1827

This Order Relates to: **ORDER GRANTING DEFENDANTS’
MOTION TO ALTER OR AMEND THE
INDIRECT PURCHASER CLASSES**
All Indirect-Purchaser Plaintiff Class
Actions

On December 9, 2011, the Court heard argument on defendants’ motion to alter or amend the indirect purchaser plaintiff (“IPP”) classes. Having considered the moving papers and the arguments of the parties, and for good cause appearing, the Court hereby GRANTS defendants’ motion.

Defendants’ motion is based on a potential overlap between members of the 24 state-law IPP classes and the direct-purchaser plaintiff product (“DPP Product”) class. The DPP Product class is defined to include:

All persons and entities who . . . directly purchased a television, computer monitor, or notebook computer containing a TFT-LCD panel, from any defendant . . . or any named co-conspirator.

The IPP classes are similarly defined, although they focus on panels, not finished products:

All persons and entities in [State] who . . . purchased LCD panels incorporated in televisions, monitors, and/or laptop computers in [State] indirectly from one or more of the named Defendants or Quanta Display Inc. . . .

As is apparent from these definitions, the DPP Product class encompasses purchases made from any defendant or any named co-conspirator, while the IPP classes encompass only purchases made from

1 one or more defendants or Quanta Display Inc.¹ The lack of parallel class definitions means that some
 2 purchasers may belong to both classes.² For example, an individual who purchased a finished LCD
 3 product containing a defendant-made panel from a non-defendant DPP conspirator (other than Quanta)
 4 would have directly purchased a TFT-LCD *product* from “any defendant . . . or any named co-
 5 conspirator.” The individual would also have purchased an LCD *panel* “indirectly from one or more
 6 of the named Defendants or Quanta Display Inc.”

7 Although this overlap is likely small, defendants are correct that there is a risk of double-
 8 recovery. Their proposed language, however, is unwieldy.³ Instead, the Court will redefine the
 9 IPP damages classes as follows:

10 All persons and entities in [State] who from January 1, 1999 to December 31, 2006, as
 11 residents of [State], purchased LCD panels incorporated in televisions, monitors, and/or
 12 laptop computers in [State] indirectly from one or more of the named Defendants or

13 ¹In July 2011, the IPPs moved to change the class definitions to substitute “any named co-
 14 conspirator” for “Quanta Display Inc.” Given the lateness of their request, however, the Court denied
 15 the motion.

16 ²The following entities constitute defendants/co-conspirators in the DPP action but not in the IPP
 17 action: Epson Electronics America, Inc., Fujitsu Limited, Hannspree Inc., Hydis Technologies Co., Ltd.,
 18 International Business Machines Corporation, IPS Alpha Technology, Ltd., LG Electronics, Inc., LG
 19 Electronics USA, Inc., Koninklijke Philips Electronics N.V., Mitsubishi Electric Corporation, Mitsui
 20 & Co., Ltd., Mitsui & Co. (Taiwan), Inc., NEC LCD Technologies, Ltd., Panasonic Corporation,
 21 Panasonic Corporation of North America, Philips Consumer Electronics, Philips Electronics North
 22 America, Sanyo Consumer Electronics Co. Ltd., Sanyo Electric Company, Ltd., Sanyo North America
 23 Corporation, Seiko Epson Corporation, S-LCD, and Tatung Company of America, Inc.

24 ³Defendants suggest:

25 [a]ll persons and entities in [State] who from January 1, 1999 to December 31, 2006, as
 26 residents of [State], purchased LCD panels incorporated in televisions, monitors, and/or
 27 laptop computers in [State] indirectly from one or more of the named Defendants or
 28 Quanta Display Inc., for their own use and not for resale, except for persons who and
 entities which (1) purchased the televisions, monitors, and/or laptop computers directly
 from Epson Electronics America, Inc., Fujitsu Limited, Hannspree Inc., Hydis
 Technologies Co., Ltd., International Business Machines Corporation, IPS Alpha
 Technology, Ltd., LG Electronics, Inc., LG Electronics USA, Inc., Koninklijke Philips
 Electronics N.V., Mitsubishi Electric Corporation, Mitsui & Co., Ltd., Mitsui & Co.
 (Taiwan), Inc., NEC LCD Technologies, Ltd., Panasonic Corporation, Panasonic
 Corporation of North America, Philips Consumer Electronics, Philips Electronics North
 America, Sanyo Consumer Electronics Co. Ltd., Sanyo Electric Company, Ltd., Sanyo
 North America Corporation, Seiko Epson Corporation, S-LCD, or Tatung Company of
 America, Inc., and (2) did not opt-out of the certified direct purchaser classes in this
 Multidistrict Litigation No. 1827.

Motion at 6.

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Quanta Display Inc., for their own use and not for resale, except for persons and entities whose purchases bring them within the definition of the certified direct purchaser product class in this Multidistrict Litigation No. 1827 and who did not opt-out of that class.


Further, as previously indicated,⁴ the Court amends the Missouri and Rhode Island IPP classes as follows:

All persons and entities in [State] who from January 1, 1999 to December 31, 2006, as residents of [State], purchased LCD panels incorporated in televisions, monitors, and/or laptop computers in [State], indirectly from one or more of the named Defendants or Quanta Display Inc., primarily for their own personal, family or household use and not for resale, except for persons and entities whose purchases bring them within the definition of the certified direct purchaser product class in this Multidistrict Litigation No. 1827 and who did not opt-out of that class.

Based on the foregoing, the Court hereby GRANTS defendants’ motion to alter the indirect-purchaser classes. Docket No. 3487.

IT IS SO ORDERED.

Dated: January 26, 2012



SUSAN ILLSTON
United States District Judge

⁴See Order Granting in Part Defendants’ Joint Motion for Partial Summary Judgment on Various Issues of State Law, Master Docket No. 3733, at 8-9 (Sept. 28, 2011).